

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

EDDIE B. THOMAS, JR.,

Plaintiff,

v.

Civil Action No. 3:12CV603

CAPTAIN CLAEVU, et al.,

Defendants.

MEMORANDUM OPINION

Eddie B. Thomas, Jr., a former Virginia inmate proceeding pro se and in forma pauperis, filed this 42 U.S.C. § 1983 action. In order to state a viable claim under 42 U.S.C. § 1983, a plaintiff must allege that a person acting under color of state law deprived him or her of a constitutional right or of a right conferred by a law of the United States. See Dowe v. Total Action Against Poverty in Roanoke Valley, 145 F.3d 653, 658 (4th Cir. 1998) (citing 42 U.S.C. § 1983). In his current Complaint, Thomas failed to provide each defendant with fair notice of the facts and legal basis upon which his or her liability rest. See Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007) (quoting Conley v. Gibson, 355 U.S. 41, 47 (1957)). Accordingly, by Memorandum Order entered on February 25, 2013, the Court directed Thomas to submit a particularized complaint within fourteen (14) days of the date of entry thereof. The Court warned Thomas that the failure to submit the

particularized complaint would result in the dismissal of the action.

Additionally, the Court received information indicating that Thomas had been released from incarceration. Accordingly, the February 25, 2013 Memorandum Order also directed Thomas to submit an updated financial affidavit within fourteen (14) days of the date of entry thereof. The Court warned Thomas that failure to comply with the terms of the February 25, 2013 Memorandum Order would result in the dismissal of the action.

More than fourteen (14) days have elapsed since the entry of the February 25, 2013 Memorandum Order and Thomas has not responded. Accordingly, the action will be dismissed without prejudice.

The Clerk is directed to send a copy of this Memorandum Opinion to Thomas.

An appropriate Order shall issue.

/s/ *REP*
Robert E. Payne
Senior United States District Judge

Richmond, Virginia

Date: *May 13, 2013*